

**RULES  
OF  
TENNESSEE DEPARTMENT OF HUMAN SERVICES  
ADULT AND FAMILY SERVICES DIVISION**

**CHAPTER 1240-4-7  
REPORT CARDS AND RATED LICENSING FOR CHILD CARE AGENCIES**

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**1240-4-7-.01 PURPOSE AND SCOPE.**

- (1) These rules implement the provisions of Tennessee Code Annotated, § 71-3-502(j), as amended by Acts 2001, ch. 453, § 6, requiring that the Department of Human Services, in consultation with the Tennessee Commission on Children and Youth, establish and implement a system for evaluating, individually and collectively, all child care agencies licensed or approved by the Department of Human Services.
- (2) This system is to consist of a mandatory annual report card evaluation for each child care agency, and a voluntary rated licensing system that includes a summary which is to be posted at each child care agency reflecting key indicators of performance comparison among all Tennessee child care agencies.
- (3) This system is established for the purpose of allowing parents or caretakers of children to make more informed choices regarding the childcare options available for their children by comparing the relative quality of childcare services offered by licensed or approved child care agencies, and to encourage the improvement of childcare for Tennessee's children.
- (4) Tennessee Code Annotated, § 71-3-502(j), as amended by Acts 2001, ch. 453, § 6, provides that the key indicators of performance shall include, but are not limited to:
  - (a) Health and safety;
  - (b) Training, education, certification, and credentials of all supervisory staff, including the director or licensee;
  - (c) Staffing ratios;
  - (d) Child development and enrichment;
  - (e) Accreditation status; and
  - (f) Adequacy of physical facilities.

**Authority:** T.C.A. §§4-5-201 et seq., 4-5-202, 71-3-502(a)(2), 71-3-502(j), and Acts 2001, ch. 453, § 6.  
**Administrative History:** Original rule filed October 30, 2001; effective January 13, 2002.

**1240-4-7-.02 DEFINITIONS.**

- (1) Accreditation. The process by which a credentialing authority endorses or approves the childcare methods and programs of a child care agency. The Department does not approve or endorse a credentialing authority's standards and/or methods of evaluation.

(Rule 1240-4-7-.02, continued)

- (2) **Annual License.** An annual permit issued by the Department to a child care agency authorizing the licensee to provide childcare in accordance with the provisions of the license, the law and the regulations of the Department of Human Services. Issuance of a license is not an endorsement of childcare methods or of an agency's operational philosophy. A license is not transferable from one location to another or from one licensee/operator to another. The license may be revoked at any time upon notice to the licensee and an opportunity for a hearing; or if the health, safety or welfare of the children in care imperatively requires, the license may be suspended immediately.
- (3) **Assessment.** The process by which an assessor conducts an on-site observation of the activities of a classroom resulting in the assignment of a score utilizing the appropriate Environment Rating Scales.
- (4) **Assessment Summary Report.** Written report containing information regarding an agency's scores on the Environment Rating Scales assessment. The Assessment Summary Report is issued to the agency with the agency's renewed license and report card.
- (5) **Assessor.** An individual who completes assessments of childcare facilities in accordance with the procedures set by the Child Care Environment Rating Scales evaluation system.
- (6) **Biennial License.** A permit issued by the Department every two (2) years to a child care agency participating in the Star-Quality Child Care Program that has been assigned, at a minimum, a Two Star overall agency rating, authorizing the licensee to provide childcare in accordance with the provisions of the license, the law and the regulations of the Department of Human Services. Issuance of a biennial license is not an endorsement of childcare methods or of an agency's operational philosophy. A biennial license is not transferable from one location to another or from once licensee/operator to another. The license may be revoked at any time upon notice to the licensee and an opportunity for a hearing; or if the health, safety or welfare of the children in care imperatively requires, the license may be suspended immediately.
- (7) **Child Care Environment.** As measured through administration of the various Environment Rating Scales, this term includes organization of space, interactions of children and children and staff, activities offered by the child care agency, schedules for children, and provisions for staff and parents relating to the areas of professional growth and parental involvement.
- (8) **Clifford-Harms Scales.** See, "Environment Rating Scales".
- (9) **Component Areas.** The categories contained on the child care agency's report card and Star Quality report card. Each component contains a set of criteria and is evaluated for the issuance of a report card and, if applicable, for participation in the Star-Quality Child Care Program. The component areas measure the key indicators of performance set forth in T.C.A. § 71-3-502(j), as amended by Acts 2001, ch. 453, § 6.
- (10) **Criteria.** The items listed under each component area of the report card. Criteria are evaluated for the issuance of a report card, and, if applicable, for participation in the Star Quality Child Care Program.
- (11) **Environment Rating Scales.** A series of childcare program assessment instruments (scales) developed through the auspices of the Frank Porter Graham Child Development Center, University of North Carolina at Chapel Hill. It is the measurement tool utilized by an assessor during an on-site observation of a childcare classroom to evaluate and provide a score to a childcare program. The scoring of the instrument produces a valid measure of the quality of the childcare program. It is also referred to as the "Harms-Clifford Scale," in recognition of principal researchers and authors Dr. Thelma Harms, Dr. Richard M. Clifford and Debby Cryer.
- (12) **Harms-Clifford Scales:** See, "Environment Rating Scales."

(Rule 1240-4-7-.02, continued)

- (13) License. See “Annual License,” “Biennial License,” and/or “Triennial License.”
- (14) Primary Caregiver. In Family Child Care Homes and Group Child Care Homes, the individual with overall responsibility for the childcare program.
- (15) Rated License. See “Star-Quality Child Care Program License”.
- (16) Rating. The evaluation score assigned each component area of the child care agency’s Star Quality report card for the determination of the child care agency’s eligibility for participation in the Star-Quality Child Care Program. The rating levels assigned are “Complies with Licensing Regulations,” “One Star,” “Two Star,” and “Three Star.”
- (17) Report Card. A summary report detailing the child care agency’s level of conformance to each component area.
- (18) Star-Quality Child Care Program. A voluntary system in which child care agencies are assigned a rating of One Star, Two Stars or Three Stars. Child care agencies that are eligible to receive a star rating and voluntarily choose to participate in the program receive a Star-Quality Child Care Program License and a Star-Quality Child Care Program Report Card.
- (19) Star-Quality Child Care Program License. A permit issued by the Department to a child care agency that is eligible for, and voluntarily chooses to participate in, the Star-Quality Child Care Program. The license denotes the overall rating assigned to the agency. The Star-Quality Child Care Program license authorizes the licensee to provide childcare in accordance with the provisions of the license, the law and the regulations of the Department of Human Services, and contains an evaluation of the child care agency’s ability to meet a certain level of care and supervision of children. Issuance of a Star-Quality Child Care Program license is not an endorsement of childcare methods or of an agency’s operational philosophy. A Star-Quality Child Care Program license is not transferable from one location to another or from once licensee/operator to another. The Star-Quality Child Care Program License may be revoked at any time upon notice to the licensee and an opportunity for a hearing; or if the health, safety or welfare of the children in care imperatively requires, the license may be suspended immediately.
- (20) Star-Quality Child Care Program Report Card. A summary report detailing the child care agency’s level of conformance to each component area that is issued to a child care agency that is eligible for, and voluntarily chooses to participate in, the Star-Quality Child Care Program.
- (21) Teaching Staff. Paid staff that work with children and that are used to meet adult:child ratios.
- (22) TECTA. The Tennessee Early Childhood Training Alliance. TECTA is a childcare provider training system.
- (23) Tiered Reimbursement. A method of payment to licensed agencies participating in the Department’s childcare assistance (subsidy) program whereby higher weekly rates for childcare are paid for higher quality levels attained by agencies participating in the Star-Quality Child Care Program.
- (24) Triennial License. A permit issued by the Department every three (3) years to a child care agency participating in the Star-Quality Child Care Program that has been assigned, at a minimum, a Three Star overall agency rating, authorizing the licensee to provide childcare in accordance with the provisions of the license, the law and the regulations of the Department of Human Services. Issuance of a triennial license is not an endorsement of childcare methods or of an agency’s operational philosophy. A triennial license is not transferable from one location to another or from one licensee/operator to another. The license may be revoked at any time upon notice to the licensee and an opportunity for a hearing; or if the health, safety or welfare of the children in care imperatively requires, the license may be suspended immediately.

(Rule 1240-4-7-.02, continued)

**Authority:** T.C.A. §§4-5-201 et seq., 4-5-202, 71-3-502(a)(2), 71-3-502(j), and Acts 2001, ch. 453, § 6.  
**Administrative History:** Original rule filed October 30, 2001; effective January 13, 2002.

**1240-4-7-.03 REPORT CARD.**

- (1) Following the issuance of the initial annual license, and for all subsequent renewals of an agency's licensing, the licensing re-evaluation process for renewal of an existing license shall include an evaluation of the child care agency for a report card in accordance with the provisions set forth in this Chapter.
- (2) All child care agencies shall receive a report card with the issuance of their renewed license that sets forth the agency's status in relation to the component areas and applicable criteria contained within each component area.
- (3) The component areas measure the key indicators of performance as set forth in Tennessee Code Annotated, § 71-3-502(j), as amended by Acts 2001, ch. 453, § 6:
  - (a) The key indicator of "Health and Safety" is measured by the component areas described as "Compliance History" and "Program Assessment";
  - (b) The key indicator of "Training, Education, Certification, and Credentials of all supervisory staff, including the director or licensee" is measured by the component areas described as "Director Qualifications", "Professional Development", and "Staff Compensation";
  - (c) The key indicator of "Staffing ratios" is measured by the component area of "Ratio and Group Size";
  - (d) The key indicator of "Child development and enrichment" is measured by the component areas "Program Assessment" and "Parent/Family Involvement";
  - (e) The key indicator of "Accreditation status" is measured by the notation of that status on the report card form and through the determination of the overall agency "Star Rating", pursuant to the provisions of this Chapter; and
  - (f) The key indicator of "Adequacy of physical facilities" is measured by the component area "Program Assessment".
- (4) All child care agencies shall be evaluated for a report card based upon the criteria contained within each of the following component areas:
  - (a) Component Areas for Family Child Care Homes and Group Child Care Homes:
    1. Professional Development;
    2. Compliance History;
    3. Parent/Family Involvement;
    4. Business Management; and
    5. Program Assessment;
  - (b) Component Areas for Child Care Centers:

(Rule 1240-4-7-.03, continued)

1. Director Qualifications;
  2. Professional Development;
  3. Compliance History;
  4. Parent/Family Involvement;
  5. Ratio and Group Size;
  6. Staff Compensation; and
  7. Program Assessment;
- (c) Assignment of Rating to Component Areas for Child Care Center Program Assessments.
1. The method used to calculate the overall rating assigned to the Component Area of Program Assessment shall be determined based upon the lowest Environmental Rating Scale score assigned to the child care center's rated classroom as follows:
    - (i) If the lowest rated classroom score is between zero (0.00) and two and ninety-nine hundredths (2.99), the agency shall be assigned the lowest rated classroom score as the overall rating in the Component Area of Program Assessment;
    - (ii) If the lowest rated classroom score is between three (3.00) and seven (7.00), the overall rating assigned to the agency in the Component Area of the Program Assessment shall be an average calculated by totaling all rated classroom scores and dividing this total by the total number of rated classrooms.
      - (I) Example: The center has rated classroom scores of 2.0, 3.0 and 3.5. The overall rating assigned to the Component Area is determined by the lowest score that falls below 3.0. In this example, the overall rating for the Component Area is two (2.0).
      - (II) Example: The center has rated classroom scores of 3.5, 4.0 and 4.5. The overall rating assigned to the Component Area is determined by the average score of the three (3) classrooms. In this example, the total of the scores is twelve (12.0). This total is divided by the three (3) classroom scores for an average of four (4.0). The overall rating for the Component Area is four (4.0).
  2. Effective Dates for Posting of Component Area Scores.
    - (i) During the first licensing cycle of each child care agency that begins October 1, 2001, the program assessment instrument scores shall not be included either on the report card or as an overall separate numeric or alpha score, grade or rating on the license or as an attachment to the license, and the Department shall only provide to the child care agency a separate document with the results of the child care agency's program assessment instrument evaluation.
    - (ii) Beginning October 1, 2002, the mandatory annual report card shall include, in addition to the agency's performance under the Component Areas established pursuant to paragraphs (3) and (4)(b), the agency's overall program assessment instrument score and any accompanying explanatory text related to the instrument.

(Rule 1240-4-7-.03, continued)

(5) Criteria upon which all child care agencies shall be evaluated for a report card:

(a) Complies with Licensing Regulations.

1. The report card shall designate the existing Department licensing regulations governing the licensing of the child care agency in each of the component areas.
2. The report card shall designate the agency's compliance with existing Department licensing regulations governing the licensing of the child care agency in each of the component areas.

(b) Level One Child Care Center Criteria

1. Director Qualifications.

The Director of the child care agency shall have the following qualifications:

- (i) High School diploma or equivalent; and
- (ii) Thirty (30) hours of pre-service orientation training, including age specific training, inclusion of children with special needs, and business management/administration; and
- (iii) Five (5) years of experience in care and/or education, with four (4) years experience administering an early care and/or education program.

2. Professional Development.

Professional development criteria shall consist of:

- (i) All teaching staff have a minimum high school diploma or its equivalent; and
- (ii) Ten percent (10%) of teaching staff have thirty (30) hours of training through TECTA Orientation, a Tennessee Technology Center or, as recognized by the Department, equivalent training on a standardized curriculum specific to age group/setting which includes working with children with special needs; and
- (iii) All teaching staff annually receive a minimum of three (3) hours training recognized by the Department in excess of the training hours required by Department regulations.

3. Compliance History.

During the previous licensing year, the agency shall not have:

- (i) Been placed on probation, or had all or any part of its license suspended; or
- (ii) Received a major civil penalty; or
- (iii) Received more than five (5) minor civil penalties, as either penalty in (ii) or (iii) is defined in Chapter 1240-4-5-.04(3).

4. Parent/Family Involvement.

The criteria for Parent/Family Involvement shall consist of:

(Rule 1240-4-7-.03, continued)

- (i) Provision of a bulletin board for communications/announcements to parents; and
- (ii) Offering one group parent meeting per licensing year for all families receiving a service.

5. Ratio and Group Size.

- (i) The child care agency must meet the following adult:child (A:C) ratios and group sizes:

	Age	A:C Ratio	Group Size
(I)	Infant	1:4	8
(II)	Toddler	1:6	12
(III)	2 yrs.	1:7	14
(IV)	3 yrs.	1:9	19
(V)	4 yrs.	1:15	20
(VI)	5 yrs., not in Kindergarten	1:20	20
(VII)	K and above	1:25	25

- (ii) The adult:child ratio in a multi-age grouping shall be determined by the age of the majority of the children in the group unless the group contains an infant, in which case the adult:child ratio for infants shall always be maintained. If the ages of the children are evenly divided and, thus, there is no majority age, the adult:child ratio for the group shall be determined by the adult:child ratio required in a single age grouping of the youngest child in the group.

6. Program Assessment.

The child care agency must comply with the following criteria:

- (i) Average total Environment Rating Scale score, as determined in accordance with this Chapter, is four (4.0); and
- (ii) Following an agency's initial assessment, development of an improvement plan based on the agency's Assessment Summary Report.

7. Staff Compensation.

The following criteria must be met:

- (i) Establish employee pay scale for teaching staff; and
- (ii) Provide at least two (2) of the following employee benefits:
  - (I) Payment of individual professional membership or association fees;

(Rule 1240-4-7-.03, continued)

- (II) Insurance supplement;
- (III) Paid leave (e.g., sick, vacation, holiday, personal, family, bereavement);
- (IV) Reduced fee to staff for childcare services;
- (V) Money or cash equivalent bonuses (e.g., gift cards);
- (VI) Insurance (e.g., health, life, accident, disability, dental, vision);
- (VII) Tuition for academic education;
- (VIII) Paid participation in staff development/training (within federal and state law);
- (IX) Retirement fund (e.g., 401K);
- (X) Flex time (within federal and state law);
- (XI) Differential shift pay.

(c) Level Two Center Criteria.

1. Director Qualifications.

The Director of the child care agency shall have the following qualifications:

- (i) High School diploma or equivalent; and
- (ii) Thirty (30) hours of pre-service orientation training, including age specific training, inclusion of children with special needs, and business management/administration; and
- (iii) Eight (8) years experience in early care and/or education with four (4) years experience administering an early care and/or education program.

2. Professional Development.

Professional development criteria shall consist of:

- (i) All teaching staff have a high school diploma or equivalent; and
- (ii) Twenty-five percent (25%) of teaching staff have one (1) of the following:
  - (I) Three (3) years of experience in early care and/or education and Thirty (30) hours of training through TECTA Orientation, a Tennessee Technology Center or, as recognized by the Department, equivalent training on a standardized curriculum specific to age group/setting that includes working with children with special needs, or documented enrollment therein; and/or
  - (II) Documentation by the instructor of the enrollment of the teacher in a Child Development Associate program; and



(Rule 1240-4-7-.03, continued)

- (III) All teaching staff receive annually a minimum of three (3) hours of training as recognized by the Department in excess of the training hours required by existing Department regulations.

3. Compliance History.

During the previous licensing year, the agency shall not have:

- (i) Been placed on probation, or had all or any part of its license suspended; or
- (ii) Received a major civil penalty; or
- (iii) Received more than four (4) minor civil penalties, as either penalty in (ii) or (iii) is defined in Chapter 1240-4-5-.04(3).

4. Parent/Family Involvement.

The criteria for Parent/Family Involvement shall consist of:

- (i) Provision of a bulletin board for communications/announcements to parents; and
- (ii) Offering one group parent meeting per licensing year for all families receiving service; and
- (iii) Provision of a quarterly newsletter designed for parents; and
- (iv) Offering at least one (1) parent-teacher conference per year for each child receiving service.

5. Ratio and Group Size.

- (i) The child care agency must meet the following adult:child (A:C) ratios and group sizes:

	Age	A:C Ratio	Group Size
(I)	Infant	1:4	8
(II)	Toddler	1:5	10
(III)	2 yrs.	1:6	12
(IV)	3 yrs.	1:9	18
(V)	4 yrs.	1:15	20
(VI)	5 yrs., not in Kindergarten	1:19	20
(VII)	K-8 yrs.	1:18	25
(VIII)	9-12 yrs.	1:20	25

- (ii) The adult:child ratio in a multi-age grouping shall be determined by the age of the majority of the children in the group unless the group contains an infant, in which

(Rule 1240-4-7-.03, continued)

case the adult:child ratio for infants shall always be maintained. If the ages of the children are evenly divided, and, thus there is no majority age, the adult:child ratio for the group shall be set by the adult:child ratio required in a single age grouping of the youngest child in the group.

6. Program Assessment.

The child care agency must comply with the following criteria:

- (i) Average total Environment Rating Scale score, as determined in accordance with this Chapter, is four and one-half (4.5); and
- (ii) Following an agency's initial assessment, development of an improvement plan based on the agency's Assessment Summary Report.

7. Staff Compensation.

The following criteria must be met:

- (i) Establish employee pay scale for teaching staff; and
- (ii) Provide at least three (3) of the following employee benefits:
  - (I) Payment of individual professional membership or association fees;
  - (II) Insurance supplement;
  - (III) Paid leave (e.g., sick, vacation, holiday, personal, family, bereavement);
  - (IV) Reduced fee to staff for childcare services;
  - (V) Money or cash equivalent bonuses (e.g., gift cards);
  - (VI) Insurance (e.g., health, life, accident, disability, dental, vision);
  - (VII) Tuition for academic education;
  - (VIII) Paid participation in staff development/training (within federal and state law);
  - (IX) Retirement fund (e.g., 401K);
  - (X) Flex time (within federal and state law);
  - (XI) Differential shift pay.

(d) Level Three Child Care Center Criteria.

1. Director Qualifications.

The Director of the child care agency shall have the following qualifications:

- (i) Twenty (20) hours of training annually, including the Department's annual licensing training requirements for Directors; and

(Rule 1240-4-7-.03, continued)

(ii) One (1) of the following:

- (I) High School diploma or equivalent with Child Development Associate credential or equivalent and seven (7) years of experience administering an early care and/or education program; or
- (II) Associates Degree in relevant area (including early childhood education, child development, education, liberal arts, business administration, human ecology, or consumer sciences) and four (4) years experience administering an early care and/or education program; or
- (III) Relevant Bachelor's degree or higher (including early childhood education, child development, education, liberal arts, business administration, human ecology and/or consumer sciences) and two (2) years experience administering an early childcare and/or education program.

2. Professional Development.

Professional development criteria shall consist of :

- (i) All teaching staff have high school diploma or equivalent; and
- (ii) The agency has a written plan for transitioning children affected by teaching staff turnover; and
- (iii) All teaching staff receive at least six (6) hours of annual training in excess of the training required by existing Department licensing regulations; and
- (iv) Fifty percent (50%) of teaching staff have one (1) of the following:
  - (I) Four (4) years experience in an early care and/or education program and documented enrollment in TECTA Orientation or equivalent training;
  - (II) Three (3) years experience in an early care and/or education program and documented enrollment in Child Development Associate credential program or equivalent;
  - (III) Two (2) years experience in an early care and/or education program and Child Development Associate or equivalent;
  - (IV) One (1) year experience in an early care and/or education program and Associates Degree in relevant field; or
  - (V) Bachelor's Degree or higher in relevant field. For purposes of the provisions of this item the term "relevant field" is defined as a degree in early childhood education, child development, education, liberal arts, business administration, human ecology, and/or consumer sciences, or a degree in any field with a minimum of six (6) semester hours in any of these listed fields.

3. Compliance History.

During the previous licensing year, the agency shall not have:

- (i) Been placed on probation, or had all or any part of its license suspended; or

(Rule 1240-4-7-.03, continued)

- (ii) Received a major civil penalty; or
- (iii) Received more than three (3) minor civil penalties, as either penalty in (ii) or (iii) is defined in Chapter 1240-4-5-.04(3).

4. Parent/Family Involvement.

The criteria for Parent/Family Involvement shall consist of:

- (i) Provision of a bulletin board for communications/announcements to parents; and
- (ii) Offering at least one (1) group parent meeting per licensing year for all families receiving service; and
- (iii) Offering at least one (1) parent teacher conference per year for each child receiving service; and
- (iv) Provision of a monthly newsletter designed for parents;
- (v) Offering one educational parent workshop per licensing year to all families receiving service; and
- (vi) Establishing a Parent Advisory Council that meets at least two (2) times per year.

5. Ratio and Group Size

- (i) The child care agency must meet the following adult:child (A:C) ratios and group sizes:

	Age	A:C Ratio	Group Size
(I)	Infant	1:4	8
(II)	Toddler	1:4	12
(III)	2 yrs.	1:5	10
(IV)	3 yrs.	1:8	16
(V)	4 yrs.	1:13	20
(VI)	5 yrs., not in Kindergarten	1:15	20
(VII)	K–8 yrs.	1:17	25
(VIII)	9-12 yrs.	1:19	25

- (ii) The adult:child ratio in a multi-age grouping shall be determined by the age of the majority of the children in the group unless the group contains an infant, in which case the adult:child ratio for infants shall always be maintained. If the ages of the children are evenly divided and, thus, there is no majority age, the adult:child ratio for the group shall be set by the adult:child ratio required in a single age grouping of the youngest child in the group.

(Rule 1240-4-7-.03, continued)

6. Program Assessment.

The child care agency must comply with the following criteria:

- (i) Average total Environment Rating Scale score, as determined in accordance with this Chapter, is five (5.0); and
- (ii) Following an agency's initial assessment, development of an improvement plan based on the agency's Assessment Summary Report.

7. Staff Compensation.

The following criteria must be met:

- (i) Establish employee pay scale for all staff; and
- (ii) Establish a pay scale for teaching staff which is tied to employee's education/training and longevity in child care/early childhood services; and
- (iii) Provide at least four (4) of the employee benefits listed below:
  - (I) Payment of individual professional membership or association fees;
  - (II) Insurance supplement;
  - (III) Paid leave (e.g., sick, vacation, holiday, personal, family, bereavement);
  - (IV) Reduced fee to staff for childcare services;
  - (V) Money or cash equivalent bonuses (e.g., gift cards);
  - (VI) Insurance (e.g., health, life, accident, disability, dental, vision);
  - (VII) Tuition for academic education;
  - (VIII) Paid participation in staff development/training (within federal and state law);
  - (IX) Retirement fund (e.g., 401K);
  - (X) Flex time (within federal and state law);
  - (XI) Differential shift pay.

(e) Level One Family Child Care Home and Group Child Care Home Criteria.

1. Professional Development.

Professional development criteria shall consist of :

- (i) The primary caregiver shall have thirty (30) hours of family child- care training or documented enrollment therein through TECTA, a Tennessee Technology Center, National Association for Family Child Care Foundation accreditation training, or other training as recognized by the Department;

(Rule 1240-4-7-.03, continued)

- (ii) Each year after the thirty (30) hours of training listed in item (I) above are completed, the primary caregiver shall complete ten (10) hours of training in excess of the Department's annual training requirements.

2. Compliance History.

During the previous licensing year, the agency shall not have:

- (i) Been placed on probation, or had all or any part of its license suspended; or
- (ii) Received a major civil penalty; or
- (iii) Received more than five (5) minor civil penalties, as either penalty in (ii) or (iii) is defined in Chapter 1240-4-5-.04(3).

3. Parent/Family Involvement.

The criteria for Parent/Family Involvement shall consist of the provision of an orientation meeting for parents/family/children new to the agency.

4. Business Management.

The criteria for Business Management shall consist of the provision of a parent packet that includes:

- (i) Personalized contracts between the child care agency and the parent;
- (ii) The child care agency's policies;
- (iii) The child care agency's philosophy;
- (iv) Parent resources; and,
- (v) If children with special needs are enrolled or applying for enrollment, information on resources for such children.

5. Program Assessment.

The child care agency must comply with the following criteria:

- (i) Average total Environment Rating Scale score, as determined in accordance with this Chapter, is four (4) in each rated classroom; and
- (ii) Following an agency's initial assessment, development of an improvement plan based on the agency's Assessment Summary Report.

(f) Level Two Family Child Care Home and Group Child Care Home Criteria.

1. Professional Development.

- (i) Professional development criteria shall consist of :
  - (I) The primary caregiver shall have thirty (30) hours of family child- care training or documented enrollment therein through TECTA, a Tennessee

(Rule 1240-4-7-.03, continued)

Technology Center, National Association for Family Child Care Foundation accreditation training, or other training as recognized by the Department; and

- (II) Each year after the thirty (30) hours of training listed in item (I) above are completed, the primary caregiver shall complete ten (10) hours of training in excess of the Department's annual training requirements; and

- (ii) The primary caregiver shall:

- (I) Maintain membership in a family care support group and/or local, state, or national association; or
- (II) Complete forty (40) classroom hours toward the Child Development Associate credential.

2. Compliance History.

During the previous licensing year, the agency shall not have:

- (i) Been placed on probation, or had all or any part of its license suspended; or
- (ii) Received a major civil penalty; or
- (iii) Received more than four (4) minor civil penalties, as either penalty in (ii) or (iii) is defined in Chapter 1240-4-5-.04(3).

3. Parent/Family Involvement.

The criteria for Parent/Family Involvement shall consist of:

- (i) Provision of an orientation meeting for parents/family/children new to the agency; and
- (ii) Provision of a monthly written communication for parents of pre-school and school-age children

4. Business Management.

- (i) The criteria for Business Management shall consist of:

Provision of a parent packet that includes:

- (I) Personalized contracts between the child care agency and the parent;
- (II) The child care agency's policies;
- (III) The child care agency's philosophy;
- (IV) Parent resources, and,
- (V) If children with special needs are enrolled or applying for enrollment, information on resources for such children; and

- (ii) Maintenance of a financial and program record-keeping system.

(Rule 1240-4-7-.03, continued)

5. Program Assessment.

The child care agency must comply with the following criteria:

- (i) Average total Environment Rating Scale score, as determined in accordance with this Chapter, of four and one-half (4.5) in each rated classroom; and
- (ii) Following an agency's initial assessment, development of an improvement plan based on the agency's Assessment Summary Report.

(g) Level Three Family Child Care Home and Group Child Care Home Criteria.

1. Professional Development.

Professional development criteria shall consist of :

- (i) The primary caregiver shall complete, annually, twenty (20) hours of training that has been recognized by the Department. The twenty (20) hours of training is in addition to any training required for licensure by existing Department regulations; and
- (ii) The primary caregiver shall maintain membership, and documented participation in, a family care support group and/or local, state, or national association; and
- (iii) The primary caregiver shall hold a current Child Development Associate credential or equivalent credential as recognized by the Department. If the primary caregiver does not hold a current Child Development Associate credential, the primary caregiver must have an Associates Degree or higher and two (2) years of documented child- care experience in early care and/or other education program

2. Compliance History.

During the previous licensing year, the agency shall not have:

- (i) Been placed on probation, or had all or any part of its license suspended; or
- (ii) Received a major civil penalty; or
- (iii) Received more than three (3) minor civil penalties, as either penalty in (ii) or (iii) is defined in Chapter 1240-4-5-.04(3).

3. Parent/Family Involvement.

The criteria for Parent/Family Involvement shall consist of:

- (i) Provision of an orientation meeting for parents/family/children new to the agency; and
- (ii) Provision of a monthly written communication for parents of pre-school and school-age children; and
- (iii) Provision of opportunities for parent/family participation in the childcare program; and



(Rule 1240-4-7-.03, continued)

(iv) Offering at least one (1) parent/family meeting annually.

4. Business Management.

(i) The criteria for Business Management shall consist of:

(I) Provision of a parent packet that includes:

I. Personalized contracts between the child care agency and the parent;

II. The child care agency's policies;

III. The child care agency's philosophy;

IV. Parent resources, and,

V. If children with special needs are enrolled or applying for enrollment, information on resources for such children; and

(ii) Maintenance of a financial and program record-keeping system; and

(iii) Documentation of orientation for staff substitutes; and

(iv) Offering parents an annual opportunity to evaluate the child care agency.

5. Program Assessment.

The child care agency must comply with the following criteria:

(i) Average total Environment Rating Scale score, as determined in accordance with this Chapter, is five (5) in each rated classroom; and

(ii) Following an agency's initial assessment, development of an improvement plan based on the agency's Assessment Summary Report.

(6) Child care agencies shall allow the assessor reasonable access to the facility, and shall otherwise reasonably cooperate with the assessor in the performance of the assessment. Failure to do so may subject the violator to a civil penalty of \$50 for each day of violation, and/or other legal enforcement actions as set forth in Chapter 1240-4-5, which may include, but are not limited to, probation, denial, or revocation of the license.

(7) Notation of Accreditation Status on Agency License and Report Card.

(a) Child care agencies may request that the Department recognize accreditation(s) claimed by the agency by submitting to the Department documentation that reasonably verifies that the agency is accredited by a legitimate credentialing authority.

(b) If the Department recognizes the agency's accreditation status, the Department shall list on the agency's license and on the agency's report card any accreditation(s) so recognized.

(c) The determination by the Department to recognize the accreditation of a child care agency shall not be based solely upon the religious affiliation or ethnicity of the accrediting organization.

(8) New Child Care Agencies.

(Rule 1240-4-7-.03, continued)

- (a) Child care agencies applying for a new license shall be evaluated and receive a report card.
- (b) The report cards of new child care agencies shall detail the criteria contained in each of the component areas in accordance with the provisions of this Chapter; with the following exceptions:
  - 1. In the report card component area of “Program Assessment” the report card shall contain a notation that the child care agency is a new agency which has not received an assessment; and
  - 2. In the report card component area of “Compliance History”, the report card shall contain a notation that the child care agency is a new child care agency, which does not have a compliance history.
- (9) The report card issued to the agency with its license shall be posted in the child care center in a conspicuous manner and in close proximity to the license as may be directed by the Department.

**Authority:** T.C.A. §§4-5-201 et seq., 4-5-202, 71-3-502(a)(2), 71-3-502(j), and Acts 2001, ch. 453, § 6.  
**Administrative History:** Original rule filed October 30, 2001; effective January 13, 2002.

#### **1240-4-7-.04 STAR-QUALITY CHILD CARE PROGRAM.**

- (1) The evaluation of a child care agency for the issuance of the report card, in accordance with the provisions of this Chapter, shall include an evaluation of the agency for eligibility to voluntarily participate in the Star-Quality Child Care Program.
- (2) Eligibility.
  - (a) Eligibility for participation in the Star-Quality Child Care program shall be based upon the overall rating attained by the agency.
  - (b) Child care agencies shall be assigned an overall agency rating of:
    - 1. Complies with Licensing Regulations;
    - 2. One Star;
    - 3. Two Stars; or
    - 4. Three Stars.
  - (c) Child care agencies that receive an overall agency rating, in accordance with the provisions of this Chapter, of “One Star,” “Two Stars,” or “Three Stars” shall be eligible to apply for participation in the Star-Quality Child Care Program.
  - (d) All Child care agencies shall be evaluated annually for the assignment of an overall agency rating. Child care agencies must re-qualify each year for eligibility to participate in the Star-Quality Child Care Program.
  - (e) New child care agencies receiving an initial license and report card are not evaluated for an overall agency rating and shall not be eligible to participate in the Star-Quality Child Care Program.
- (3) Assignment of Ratings.

(Rule 1240-4-7-.04, continued)

- (a) Child care agencies shall be assigned an overall agency star rating based upon the subratings assigned to each of the report card component areas in accordance with the provisions of this Chapter.
- (b) Each component area shall receive a subrating as follows:
  - 1. Child care agencies that comply with the report card criteria listed under “Complies with Licensing Regulations” shall receive a subrating for that component area of “Complies with Licensing Regulations”;
  - 2. Child Care agencies that comply with the report card criteria listed under “Level One Criteria” shall receive a subrating in that component area of “One Star”;
  - 3. Child Care agencies that comply with the report card criteria listed under “Level Two Criteria” shall receive a subrating in that component area of “Two Stars”;
  - 4. Child Care agencies that comply with the report card criteria listed under “Level Three Criteria” shall receive a subrating in that component area of “Three Stars”.
- (4) Assignment of Overall Agency Rating.
  - (a) The overall agency rating shall be determined by totaling the subratings assigned to each of the component areas and dividing the total by the total number of component areas utilized in rating each class of child care agency to obtain an average.
  - (b) The total of subratings assigned to Family Child Care Homes and Group Child Care Homes shall be divided by five (5);
  - (c) The total of subratings assigned to Child Care Centers shall be divided by seven (7).
  - (d) The average shall be divided to the one-hundredth (1/100th) decimal point.
  - (e) If the average falls on or between one-hundredths (.01) and forty-nine hundredths (.49), the total shall be rounded down to the next lower whole number.

Example: A total score of two and thirty-nine hundredths (2.39) is rounded down to a total score of two (2.0);
  - (f) If the average falls on or between fifty hundredths (.50) and ninety-nine hundredths (.99), the total shall be rounded up to the next higher whole number (e.g., one (1.00)).

Example: An average score of two and fifty-seven hundredths (2.57) is rounded up to a total score of three (3.0).
  - (g) Accreditation Status.
    - 1. When the Department, within its discretion and in accordance with Department regulations and policy, recognizes an agency’s accreditation(s), the Department shall add one (1) point to the agency’s total component subratings.
    - 2. The overall agency rating shall then be determined by dividing this total by five (5) for Family Child Care Homes and Group Child Care Homes, or seven (7) for Child Care Centers.

(Rule 1240-4-7-.04, continued)

(5) Application.

- (a) Child care agencies that are assigned an eligible overall agency rating of “One Star,” “Two Stars,” or “Three Stars” shall be provided, in accordance with Departmental procedures, an application for participation in the Star-Quality Child Care Program.
- (b) The completed application to participate in the Star-Quality Child Care Program shall be returned to the Department within sixty (60) days of the child care agency receiving the application.
- (c) A child care agency that is placed on probation or assessed with a major civil penalty or three (3) or more minor civil penalties, or is subject to a suspension, a denial or a revocation of its license between the date of the agency evaluation and the date the Star-Quality Child Care Program license or rating are issued by the Department, shall not be eligible to participate in the Star-Quality Child Care Program. If the probation is lifted, if the civil penalty is dismissed, if the suspension is lifted, or the denial or revocation action is dismissed, the agency may re-apply for the program.
- (d) Eligible child care agencies must re-apply annually for participation in the Star-Quality Child Care Program.

(6) Child care agencies that participate in the Star-Quality Child Care Program shall be issued:

- (a) A license which denotes the overall rating assigned to the agency; and
- (b) A Star Quality Program report card that details the agency’s rating in each of the report card component areas.

(7) Prior to October 1, 2002 the child care agency is not required to post the Star-Quality Child Care Program license and the Star-Quality Child Care Program Report Card, but shall be required to post the unrated license and the mandatory report card, pursuant to the provisions of this Chapter. Child care agencies that receive a Star-Quality Child Care Program license and Star-Quality Child Care Program Report Card after September 30, 2002 shall immediately post the license and the report card in a conspicuous manner that is easily viewable by parents.

(8) Minimum Star Rating Requirement.

- (a) In no event shall an agency receive a star rating unless the agency has been assigned a subrating of at least One Star in both of the following component areas:
  - 1. Compliance History; and
  - 2. Program Assessment
- (b) Agencies that do not receive such minimum required star ratings shall be assigned an overall agency rating of “Complies with Licensing Regulations”.

(9) Program Assessment.

- (a) The subrating assigned to the component area of Program Assessment shall be assigned in accordance with the provisions of this Chapter.
- (b) The assessment scores of each rated classroom shall be assigned by an assessor based upon on-site observation(s) of the child care agency in accordance with the provisions of the appropriate Harms-Clifford Scales child care agency evaluation system.

(Rule 1240-4-7-.04, continued)

(10) Tiered Reimbursement.

- (a) Subject to the availability of funding, the Department will establish a childcare rate reimbursement system for licensed and unregulated providers who voluntarily participate in its childcare assistance (subsidy) program. These rates are determined through a market survey and are based upon a percentile rate charged by providers in the market(s).
- (b) Child care agencies that are licensed by the Department and participate in the childcare assistance program are eligible for consideration of tiered reimbursement as follows:
  - 1. When the agency, in accordance with the provisions of this Chapter, qualifies for; and
  - 2. Applies to participate in the Star-Quality Child Care Program.
- (c) The tiered reimbursement rate for agencies participating in the Star-Quality Child Care Program is based upon the overall agency rating as assigned by the Department in accordance with the provisions of this Chapter:
  - 1. Agencies receiving a rating of "Complies with Licensing Regulations" shall receive the base rate of reimbursement that has been established by the Department;
  - 2. Agencies attaining a rating of "One Star" shall receive the base rate plus five percent (5%) of the base rate;
  - 3. Agencies attaining a rating of "Two Stars" shall receive the base rate plus fifteen percent (15%) of the base rate;
  - 4. Agencies attaining a rating of "Three Stars" shall receive the base rate plus twenty percent (20%) of the base rate.

(11) Change in Agency Rating and/or Subrating.

- (a) An agency's subrating(s) and/or overall rating shall not be modified during the licensing year, regardless of any changes that may have occurred in the agency, except under one of the following conditions:
  - 1. A re-evaluation is completed by the Department in accordance with the provisions of this Chapter;
  - 2. A change in the agency's subrating(s) and/or overall rating is required, in accordance with the provisions of this Chapter, as a result of Intradepartmental Review;
  - 3. A change in the agency's subrating(s) and/or overall rating is required, in accordance with the provisions of this Chapter, as a result of Administrative Review.

(12) Removal of Star Rating.

- (a) The assessment of a major civil penalty, the assessment of more than five (5) minor civil penalties, or the suspension, denial and/or revocation of an agency's license or approval to operate shall result in the immediate loss of any star rating assigned to the agency.
- (b) If the suspension, denial, and/or revocation of the agency's license is rescinded or overturned, or, in the case of approved agencies, the agency's approval to operate is reinstated, the Department shall issue a new report card and license reflecting the removal of any star rating

(Rule 1240-4-7-.04, continued)

that had been assigned to the agency. The new report card and license must be immediately posted by the agency in accordance with the provisions of this Chapter;

- (c) The Department shall not grant an agency request for re-evaluation of the agency rating and/or subrating(s) during the licensing year in which the agency's license to operate was suspended, denied and/or revoked, or the agency's approval to operate was rescinded.

(13) Biennial and Triennial Licenses.

- (a) In accordance with the provisions for the rated license system as governed by this Chapter and as determined appropriate by the Department's based upon an overall consideration of the agency's capabilities and history:
  - 1. Child care agencies that are assigned a Two Star Rating shall be eligible for consideration of a biennial license;
  - 2. Child care agencies that are assigned a Three Star Rating shall be eligible for consideration of a triennial license.
- (b) Child care agencies that are issued either a biennial or triennial license must successfully complete annual fire inspections and environment inspections in accordance with the provisions of state law, local ordinances, and Department regulations. Failure to complete such inspections may result in civil penalties and/or the denial, revocation or suspension of the license in accordance with the procedures set forth in Chapter 1240-4-5.
- (c) Child care agencies receiving a biennial or triennial license shall be regulated in the same manner as set forth in Department regulations, policies and procedures for agencies operating under an annual license.

**Authority:** T.C.A. §§4-5-201 et seq., 4-5-202, 71-3-502(a)(2), 71-3-502(j), and Acts 2001, ch. 453, § 6.  
**Administrative History:** Original rule filed October 30, 2001; effective January 13, 2002.

**1240-4-7-.05 REASSESSMENTS AND APPEALS.**

(1) Program Reassessment.

Program Reassessment is available in the following circumstances:

- (a) When requested by a child care agency, prior to the Intradepartmental Review provided for in subparagraph (2)(b), to address any new or changed conditions that occurred since the date of the agency's last completed assessment.
  - 1. The child care agency shall be responsible for any and all costs, as determined by the Department, associated with this Program Reassessment which shall be paid in advance of the Program Reassessment.
  - 2. The Program Reassessment shall be conducted according to the policies and procedures established by the Department and may utilize all of the rated license component areas, including the Environment Rating Scales.
  - 3. Bonus Payments.
    - (i) During the period of the reassessment, the availability / amount of any bonus payments made by the Department pursuant to 1240-4-7-.04(10) shall be determined by the results of the most recently completed assessment.

(Rule 1240-4-7-.05, continued)

- (ii) Following completion of the reassessment, the availability / amount of any bonus payments made by the Department shall be determined by the results of the reassessment.
  - 4. The results of any Program Reassessment conducted pursuant to the provisions of this subparagraph:
    - (i) Shall become effective immediately upon the Department's completion of the Program Reassessment and shall replace, in their entirety, any prior results for program areas which were reassessed; and
    - (ii) Shall not be subject to the appeal process set forth below in paragraph (2).
  - (b) When requested by a child care agency following Intradepartmental Review, as an alternative to the administrative hearing provided for in subparagraph (2)(c), to address any new or changed conditions that occurred since the date of the agency's last completed assessment. A Program Reassessment requested by the child care agency pursuant to this subparagraph (b) shall be subject to all provisions specified in subparagraph (a) above.
  - (c) When, upon receiving the results of its report card evaluation, the child care agency chooses to appeal the results, pursuant to paragraph (2) below, and the appeal results in a Program Reassessment due to a finding that the initial assessment conducted by the Department, or some part thereof, was invalid.
    - 1. The Program Reassessment conducted pursuant to this subparagraph (c) shall be provided at the expense of the Department.
    - 2. The Program Reassessment shall be conducted according to the policies and procedures established by the Department and may be limited to the component areas found to be invalid on the initial assessment.
    - 3. Bonus Payments.
      - (i) During the period of the reassessment, the availability / amount of any bonus payments made by the Department shall be determined by the results of the most recently completed assessment.
      - (ii) Following completion of the reassessment, the availability / amount of any bonus payments made by the Department shall be determined by the results of the reassessment.
    - 4. The results of any Program Reassessment conducted pursuant to the provisions of this subparagraph:
      - (i) Shall become effective immediately upon the Department's completion of the Program Reassessment and shall replace, in their entirety, any prior results for program areas which were reassessed; and
      - (ii) For this Program Reassessment, the appeal process of paragraph (2) below shall be available.
- (2) Appeal Process.

(Rule 1240-4-7-.05, continued)

- (a) Upon receiving its results, a child care agency may choose to appeal any part of its report card evaluation.
- (b) Intradepartmental Review.

The appeal process shall begin with the request for an Intradepartmental Review, to be conducted according to the policies and procedures established by the Department.

1. The Intradepartmental Review shall provide an informal opportunity for the child care agency to dispute any of the following:
  - (i) The overall agency rating;
  - (ii) The Program Assessment rating or scores; and/or
  - (iii) The rating of any other component area.
2. The request for an Intradepartmental Review shall be in writing and shall include:
  - (i) A statement that identifies the specific information and/or rating that is in dispute; and
  - (ii) A statement that identifies the basis upon which the agency is alleging that an error has occurred.
  - (iii) The child care agency shall also submit supporting documentation with its written request.
  - (iv) If the information required in subparts (b)2 (i) and (ii) is not provided by the child care agency, the appeal may be dismissed at the sole discretion of the Department.
3. Issues considered during the Intradepartmental Review shall be limited to:
  - (i) Whether, at the time of the licensing evaluation, the agency was provided proper credit for compliance with the criteria required in each of the report card component areas; and/or
  - (ii) Whether the agency's rating was otherwise correctly calculated.
4. Changes made within, or by, the agency after the date of the last complete licensing evaluation or the validity of the evaluation instrument used to conduct the agency's program assessment shall not be considered in the appeal process.
5. The written request for Intradepartmental Review must be received by the Department within twenty (20) business days following the date of mailing of the notice of the report card evaluation to the child care agency.
6. Intradepartmental Review shall precede, and must be completed before, any Administrative Hearing and shall not be subject to the contested case provisions of the Administrative Procedures Act, T.C.A. §§ 4-5-301 et seq.
7. In conducting the Intradepartmental Review, the Department may take any of the following actions as deemed appropriate in its discretion:
  - (i) Request additional information from the child care agency and/or third parties;



(Rule 1240-4-7-.05, continued)

- (ii) Examine additional documentation from the child care agency and/or third parties; and/or
  - (iii) Conduct an informal hearing, not subject to the provisions of T.C.A. §§ 4-5-301 et seq., that may include statements from the child care agency and/or third parties.
- 8. The Department shall complete the review and render a written decision to the child care agency within forty-five (45) business days of receipt by the Department of the written request for review.
- 9. Bonus Payments.
  - (i) During the Intradepartmental Review process, the agency can elect to receive its bonus payments based upon the results of the previous report card evaluation or based upon the currently disputed report card evaluation.
  - (ii) If the agency chooses to receive bonus payments based upon the results of the previous report card evaluation and the Intradepartmental Review does not result in an increase to the agency's score / rating, the agency will be required to refund to the Department the amount of the overpayment, which may be accomplished through recoupment by the Department of future amounts owed to the child care agency.
  - (iii) If the agency chooses to receive bonus payments based upon the results of the currently disputed report card evaluation and the Intradepartmental Review results in an increase to the agency's score / rating which warrants an increase in the amount of the bonus payment, the Department will pay to the agency the difference between the two amounts that accrued during the Intradepartmental Review process.
- 10. Upon completion of the Intradepartmental Review, the agency may request either of the following:
  - (i) If dissatisfied with the results of the Intradepartmental Review, an Administrative Hearing, as provided for in subparagraph (c) below; or
  - (ii) A Program Reassessment, as provided for in subparagraph (1)(b) above, after which Administrative Hearing shall no longer be available.
- (c) Administrative Hearing.
  - 1. A request for Administrative Hearing must be submitted to the Department by the agency within ten (10) business days after the mailing date of the Department's written decision from the Intradepartmental Review.
  - 2. The issues addressed in the Administrative Hearing are limited to the issues raised during the Intradepartmental Review.
  - 3. The Administrative Hearing shall be conducted as a contested case proceeding by the Department's Appeals and Hearings Division according to T.C.A. §§ 4-5-301 et seq.
  - 4. The hearing officer shall render a written decision within thirty (30) business days after the hearing and shall send a copy of such decision to the Department and to the child care agency.

(Rule 1240-4-7-.05, continued)

5. Bonus Payments.

- (i) If the agency requests an Administrative Hearing, the agency's bonus payments shall be based upon the results of the most recently completed assessment.
- (ii) If the Administrative Hearing results in an increase to the agency's report card evaluation rating / score which warrants an increase in the amount of the bonus payment, the Department will pay to the agency the difference between the two amounts that accrued during the Administrative Hearing process.

(3) Issuance of a New Report Card and/or Rated License.

- (a) If the results of any process established in paragraphs (1) and (2) above should require the issuance of a new report card, such report card shall be issued to the child care agency within thirty (30) business days of issuance of the written decision.
- (b) If the results of any process indicated in paragraphs (1) and (2) above should require a change to the overall rating of the child care agency, a new license with the modified rating shall be issued to the child care agency within thirty (30) business days of issuance of the written decision.
- (c) Immediately upon receipt of the new report card and/or rated license, the child care agency shall post the report card and/or rated license as directed by the Department.

**Authority:** T.C.A. §§4-5-201 et seq., 4-5-202, 71-3-502(a)(2), 71-3-502(j), and Acts 2001, ch. 453, § 6.

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